

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.C
Mtg. Date February 20, 2018
Dept. City Attorney's Office

Item Title: **RESOLUTION DESIGNATING DEPUTY CITY ATTORNEYS**

Staff Contact: James P. Lough, City Attorney

Recommendation:

Adopt Resolution Designating Deputy City Attorneys. .

Item Summary:

This Resolution designates two Deputy City Attorneys. One will primarily serve as a City Prosecutor and the other as the first back up for the City Attorney on civil advisory issues. Both will be required to file Fair Political Practices Commission ("FPPC") Form 700 conflict of interest forms.

Fiscal Impact:

None.

Environmental Review:

<input checked="" type="checkbox"/> Not subject to review	<input type="checkbox"/> Negative Declaration
<input type="checkbox"/> Categorical Exemption, Section	<input type="checkbox"/> Mitigated Negative Declaration

Public Information:

<input checked="" type="checkbox"/> None	<input type="checkbox"/> Newsletter article	<input type="checkbox"/> Notice to property owners within 300 ft.
<input type="checkbox"/> Notice published in local newspaper	<input type="checkbox"/> Neighborhood meeting	

Attachments:

- A. Staff Report
- B. Resolution Designating Two Deputy City Attorneys.

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. _____

Mtg. Date February 6, 2018

Item Title: **RESOLUTION DESIGNATING DEPUTY CITY ATTORNEYS**

Staff Contacts: [James P Lough, City Attorney]

Background:

The City Attorney serves at the pleasure of the City Council. Since 2010, the City Council has contracted with Lounsbery, Ferguson, Altona & Peak ("City Attorney Firm") to provide City Attorney services. The contract designates that Of Counsel James P. Lough serve as the City Attorney. The contract does not specifically name deputies of the City Attorney. If no firm members have a conflict of interest and possess the appropriate expertise to handle a particular City matter, the City Attorney, in consultation with the City Manager, assigns work to various Partners or Associates of the City Attorney Firm.

Analysis:

As the workload for legal matters has changed over the past fifteen years, the City Attorney has used certain members of the City Attorney Firm for the specialized tasks within their expertise. This Agenda item is intended to formalize two assignments that interact with the same types of legal matters on a regular basis.

City Prosecutor:

In addition to providing civil litigation and advisory services, the City Attorney is the criminal prosecutor for violations of the Lemon Grove Municipal Code. The alleged code violations can either be prosecuted as misdemeanors or infractions. The cases are filed in the name of the People of the State of California. By state law, the discretion to file Lemon Grove Municipal Code violations rests with the City Attorney. If delegated, this authority can be vested in a Deputy City Attorney.

It is the policy of the City Attorney to use the civil administrative effort option first. Depending upon the severity of the alleged violations, the City Attorney will sometimes seek City Council approval to bring civil injunction cases against repeated violators of the City Municipal Code.

Most criminal filings arise out of citations issued by the Sheriff's Department. They are usually filed as infractions in that most involve single incidents. In the case of multiple incidents or other behavior that merits it, the City Attorney will file the case as a misdemeanor. These decisions are made after consultation with the City staff and/or the Sheriff's Department.

Matthew C. Starr is requested to be designated as the Deputy City Attorney to assist in handling criminal matters. He also handles criminal matters for the City of San Marcos. Mr. Starr reviews

Attachment A

and makes recommendations for the filing of criminal matters. He has been handling these cases for the last two years, working with City and Sheriff's Department staff.

Advisory Deputy City Attorney:

Currently, the City Attorney delegates certain civil matters to attorneys at the City Attorney Firm based on expertise. For instance, Michael Wapner has handled real estate matters based on his knowledge of the subject matter as an attorney that handles public and private real estate transactions. Litigation is delegated to attorneys who specialize in the issues of each case. General advisory work has usually been handled by the City Attorney.

Kristen S. Steinke currently is handling many advisory items as well as City civil litigation. She has been attending City Council meetings and serves in a primary role in many advisory matters. Ms. Steinke would serve as the advisory Deputy City Attorney. Since she has been assigned to cover City Council meetings in the absence of the City Attorney

Environmental Impact:

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

Costs

None. |

Conclusion:

Staff recommends that the City Council approve the attached Resolution (Attachment "B").

ATTACHMENT B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPOINTING KRISTEN S. STEINKE AND MATTHEW C. STARR AS DEPUTY CITY ATTORNEYS

WHEREAS, the City Council desires to appoint two Deputy City Attorneys to handle various matters on behalf of the City; and

WHEREAS, the City Council desires to appoint Ms. Kristen S. Steinke as a Deputy City Attorney primarily handling advisory matters and civil litigation for the City of Lemon Grove; and

WHEREAS, the City Council desires to appoint Mr. Matthew C. Starr as a Deputy City Attorney primarily handling criminal and civil code enforcement matters.

NOW THEREFORE, the City Council of the City of Lemon Grove does resolve as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Ms. Kristen S. Steinke is hereby appointed as Deputy City Attorney.

Section 3. Mr. Matthew C. Starr is hereby appointed as Deputy City Attorney.

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

Racquel Vasquez, Mayor

Attest: _____

Susan Garcia, City Clerk

Approved as to form:

James P. Lough, City Attorney